



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH

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May 11, 2005

TO: Washington State Board of Health Members

FROM: Craig McLaughlin, Executive Director

SUBJECT: FINAL REPORT ON THE 2005 LEGISLATIVE SESSION

Background and Summary

The Washington State Board of Health has heard regular updates on the 2005 legislative session since January. The Legislature adjourned *sine die* on April 26, 2005. It completed its work, including passage of the operating budget for the 2005-07 Biennium.

Although Board staff tracked and analyzed several dozen bills during session, ultimately only nine passed that will have a direct bearing on the Board's work. The closely watched onsite legislation was not among them (it did not have the votes to pass in the Senate).

Those bills are:

- SHB 1591 Assisted care facilities
- HB 1771 School breakfast programs
- SHB 1951 Vision exams for children
- EHCR 4410 Public health financing committee
- ESSB 5188 Physical activity
- SSB 5602 Livestock nutrients
- SSB 5752 Funeral directors and cemeteries
- ESSB Operating budget 2005-07

The discussion section of this memo will briefly address each of these bills individually.

Recommended Board Action

None.

Discussion

SHB 1591 Assisted care facilities: The Board supported a pair of companion bills that would have exempted workers in adult family homes from needed food worker cards if they successfully completed a Department of Social and Health Services training and fulfilled continuing education requirements. The training curriculum and testing would need to conform to the Board's rules for food handler training. Those original bills failed but the Legislature amended the language into SHB 1591. If the Governor signs this bill, the Board will need to change its rules to conform.

HB 1771 School breakfast programs: This bill will require schools with a significant number of low-income students to offer free or reduced-price breakfasts if funds are available. The Board supported the bill because of its ongoing work on school nutrition. Its passage will not require additional work.

SHB 1951 Vision exams for children: This bill, which was promoted by optometrists, is prompted by a concern that schoolchildren are being placed in special education programs because of undiagnosed vision problems. Board rules require a Snellen eye chart examination of children. The Board determined in 2001 that more comprehensive exams are not recommended for asymptomatic individuals, but it did not delve into whether children with learning difficulties should be examined more thoroughly. This legislation requires the Department of Health (DOH) to study the issue and report back to the Board and the Legislature. A preliminary report is due back on December 1, 2005 and a final report is due on December 1, 2006. Depending on the findings of the reports, the Board may need to consider future rule making.

EHCR 4410 Public health financing committee: This House concurrent resolution establishes a joint select committee on public health financing. A report to the Governor and the Legislature is required by July 1, 2006. The committee is required to collaborate with the Board and the other members of the Public Health Improvement Partnership.

ESSB 5188 Physical activity: This legislation requires planners to consider ways to provide opportunities for bicycling and walking. It also makes clear that the responsibilities of school districts include promoting the physical activity of students. The final version is less prescriptive than the original version, but it is nonetheless a strong statement of policy. The Board supported it because of the tie-in to its children's physical activity work. It requires nothing new of the Board.

SSB 5602 Livestock nutrients: This bill addresses animal feeding operations. It requires the Board to report in September on "the status of rule making that clarifies burial depth, location of burial sites in relation to drinking water wells, and incineration." There is an expectation that the Board will have made significant progress. A CR-101 is filed and a stakeholder meeting is scheduled for the end of May.

SSB 5752 Funeral directors and cemeteries: This is a significant overhaul of statutes governing funeral directors and cemeteries. The Board has rules governing the handling and transportation of deceased remains. The new legislation requires that remains be refrigerated "upon receipt" while the Board rules require refrigeration within 24 hours. Rule making will be needed to make Board rules consistent with the new law.

ESSB 6090 Operating budget 2005-07: All of the Board's funding comes from general fund-state, which is allocated through the operating budget. The 2005-07 budget is essentially a carry-forward budget with significant real cuts. Employees will receive a cost-of-living raise. Some budget changes may impact the Board's budget—in particular, the Board's rent will go up because DOH was not able to get an increase to cover additional costs for the new buildings. Two items in the budget have a direct bearing on the Board's work. The budget funds an increase in the newborn screening specialty clinic fee. This will allow follow-up services for the children diagnosed with one of the five disorders the Board added to the list of mandated newborn screenings in 2003. The budget also includes \$1.3 million over the biennium for counties with marine shorelines to do septic management plans and build databases of onsite septic systems. This money is to implement the planning requirements of the new small onsite rule being considered by the Board.